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CHINESE LEAD OFF

Colony Has Hearing Before Commission.

Represented By Attorney F. M. Hatch—Many Questions Asked. Precedent—Two Lawyers.

The interest of the Chinese colony had the floor at the session of the Commission yesterday. It was a field day, but there was not a large attendance. Gao Kim, the Chinese Consul Agent and his deputy, Wong Kwai, were present with their attorney, F. M. Hatch. At once Mr. Hatch was invited to address the Commission. He said that the Chinese stood to suffer more injury from the change of sovereignty than any other nationality, on account of the laws of the United States. There ought to be a distinction made between the Chinese who had been here a great many years and the Chinese against whom United States laws were devised. All that those gentlemen asked was that no discrimination be shown against them. It might fairly be claimed that those Chinamen who had been here a long time had vested rights. At the same time, they thought they were more disturbed than they had reason to be. They did not ask for a departure from the established policy of the United States with regard to the Chinese. They did not ask that the doors be thrown open to indiscriminate immigration. They thought those who were here when the American flag was raised should be protected in their property interests. Their property holders hoped there would be no discrimination against them as to their rights to do business and to hold property. They had a desire that those born in the country or naturalized should have the rights of citizenship. That applied to all members of this community, who thought that all who were Hawaiian citizens should have the rights of American citizenship. They thought for himself as well as for those Chinamen who have been citizens of Hawaii, he thought rights of citizenship should be given to all.

Mr. Morgan—To full citizenship—giving the suffrage? Yes. When once they departed from the regular course the door was opened for arbitrary procedure. There were many aliens here when the flag was raised. He contended when the United States took over this country it had taken cognizance of the conditions found in Hawaii. The Government of Hawaii had granted rights of citizenship to a moderate extent. Some Chinese were naturalized who had the same rights as any Hawaiian citizen. What is the exact state of the law regarding Chinese? There has been a very rigid exclusion Act. Beginning eight or ten years ago it has been made more exclusive from year to year until now it is very rigid. Has it been rigidly enforced? Yes. Provisions were made for the return of Chinese who had already been here. If it had not been rigidly enforced there would have been a great many more here, because there has been a larger demand for labor. The law was entirely for present Chinese residents.

Mr. Morgan—Chinese merchants are allowed to enter the United States? Mr. Cullom read the clause in the annexation resolution excluding Chinese in Hawaii from the United States. They have made no request on that account. They are opposed to more stringent laws. They are going to and from their own country. They want liberty to send their children to China to be educated, also for other relatives of mercantile establishments to come here. Without making any attempt to have the policy of the United States changed, they want you to understand what their position would be here if any undue application of these laws were made to them. They have mercantile houses established here for many years, and simply wish that they may continue to do so. They have no more restrictions than now from the rigid Hawaiian Exclusion Act. It was desired that the six months' residence privilege to merchants be preserved. They made their appeal under the impression that the Commission was here to receive recommendations.

How many naturalized Chinamen are in the Islands? Seven hundred and twenty-two have been naturalized. Have they been discriminated against regarding the franchise? Yes. They only ask for the preservation of the rights they had under the Hawaiian law. Those naturalized men wish to be treated as citizens with the right to come and go—the right of birth in a given jurisdiction. It simplifies the matter very much that the number is so small. They plea is for civil rights rather than for political rights. Entirely civil rights. They should not suffer from construction of the resolution, the exact terms of which should be observed.

Mr. Hatch here made a legal argument to the effect that Chinese of Hawaiian citizenship ought not to be treated as Chinese under the resolution but as Hawaiian citizens.

Mr. Hatch asked if they were not claimed as Chinese subjects as soon as they came under the power of the Chinese Government.

Mr. Hatch replied that there was no information here on that point. No claim had ever been made on the Hawaiian Government in that regard. Some had established residence here. Some had intermarried with Hawaiian women and the results had been happy. There were 21,000 Chinese here. He thought that did not include half castes.

Mr. Dole rather thought the number included those of Chinese descent. Mr. Cullom asked of what race children of Chinese and Hawaiian parents were classified. Mr. Hatch did not think that had ever been settled in law. Children born of alien parents in a country were, in some cases, privileged to elect for themselves their allegiance on coming of age. The United States should take the same rule as she found it. If that plain rule were departed from, there was no saying where the end would be. There should be no reflection on any former Hawaiian Government for its naturalization of Chinese.

Mr. Hatch argued the plea of the Chinese rice planters that they should be allowed to introduce Chinese laborers to cultivate rice. They had a large amount invested in the industry. The work was exceedingly laborious done in the water, and no other race could do it.

Mr. Cullom—You have shut them out yourselves. Mr. Hatch—No. We have permitted Chinese to come in under restrictions providing that they shall only remain as laborers in the field. Mr. Morgan inquired, if it was the principle to regard Hawaiian-born children of Chinese as Hawaiians, would it not also apply to the children of Japanese contract laborers?

Mr. Hatch was not aware that any principle had grown up. That referring to the restriction of recent Chinese immigrants to agricultural labor—is a law recently made.

Mr. Morgan asked if it was ever determined under the Constitution who were citizens of Hawaii?

Mr. Dole said it was defined in the Constitution. Mr. Frear cited a recent United States decision to the effect that all persons born in the United States were its citizens. Mr. Hatch finally argued that, from the fact that the annexation resolution prevented Chinese from entering other parts of the United States, there was strong reason in the claim that the Chinese here should have special consideration given their vested rights in the country. Attorney Geo. A. Davis informed the Commission that Honolulu should have a city government with a mayor and

seven aldermen and that the state judiciary should be appointed. Attorney Geo. D. Gear was in favor of an elective judiciary. He agreed with his brother lawyer that in a capital case a jury verdict should be unanimous. "Alabama" Mitchell told the commission how he had been imprisoned "for nothing" sixty days beginning with the opening of the Insurrection in 1895. The open session closed.

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